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| 10/604,023      | 06/23/2003  | Nagarjun Yetukuri    | 9046000003          | 1022             |

27572 7590 09/20/2004

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| EXAMINER |
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NELSON JR, MILTON

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| ART UNIT | PAPER NUMBER |
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3636

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/604,023

Applicant(s)

YETUKURI ET AL.

Examiner

Milton Nelson, Jr.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-11, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 5, 7 and 12-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restriction***

Applicant's election without traverse of Group I, claims 1-16 is acknowledged.

Non-elected claims 17-20 have been withdrawn from further consideration.

### ***Information Disclosure Statement***

The information referred to in Applicant's information disclosure statement filed September 25, 2003 has been considered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 16, it is unclear if "a pair of bushings coupled to the frame" is intended to be the same feature as the previously set forth bushings (see claim 10).

### ***Claim Rejections - 35 USC § 102***

Art Unit: 3636

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Marfilus et al (6183045). Note the head restraint (12), leg portions (see Figure 1), crossbar portion (see Figure 1), support member (14), pad (16), convex surfaces (see Figure 2), clip portions (both halves of 38), arcuate surfaces extending greater than 180 degrees (note the halves 38 combine to for a 360 degree arcuate surface), and clip portion spacing (note Figure 4).

Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Dellanno et al (5290091). Note the head restraint (112, 112, 113), leg portions (112, 112), crossbar portion (113), support member (118), pad (116), convex pad surface (119 or 115), convex support member surface (see Figure 6), wherein the thickness of the pad between the convex surfaces ranges from 10 to 60 mm (this is approximately equal to Q, which is 1.25 inches or 31.75 mm, as seen in Figure 6 and lines 56-58 of column 8).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3636

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marfilus et al (6183045) in view of Takei et al (6068338).

The primary reference shows all claimed features of the instant invention with the exception of the crossbar portion of the head restraint post including a serpentine shape. Note the discussion of the primary reference above.

The secondary reference shows a headrest assembly including a head restraint post including a crossbar portion having a serpentine shape. Note member 2, as shown in Figure 1.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of secondary reference by configuring the crossbar portion of the head restraint post as including a serpentine shape. Modifying the primary reference in view of the teachings of the secondary reference provides an alternate, equivalent shape for the crossbar portion of the head restraint post. Either shape performs equally as well as the other.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dellanno et al (5290091) in view of Takei et al (6068338).

Art Unit: 3636

The primary reference shows all claimed features of the instant invention with the exception of the crossbar portion of the head restraint post including a serpentine shape. Note the discussion of the primary reference above.

The secondary reference shows a headrest assembly including a head restraint post including a crossbar portion having a serpentine shape. Note member 2, as shown in Figure 1.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of secondary reference by configuring the crossbar portion of the head restraint post as including a serpentine shape. Modifying the primary reference in view of the teachings of the secondary reference provides an alternate, equivalent shape for the crossbar portion of the head restraint post. Either shape performs equally as well as the other.

Claims 10, 15 and 16, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 103(a) as being unpatentable over Marfilus et al (6183045) in view of Nakano et al (6250714).

The primary reference shows all claimed features of the instant invention with the exception of the seat back having a frame and a pair of bushings coupled to the frame; a seat bottom coupled to the seat back; the head restraint assembly adjustably coupled to the seat back; wherein each leg portion is slidably supported by one of the bushings. Note the discussion of the primary reference above.

The secondary reference conventionally teaches configuring a seating assembly with a seat back (1) having a frame (2) and a pair of bushings (14) coupled to the frame; a seat bottom (26) coupled to the seat back; and a head restraint assembly (3) adjustably coupled to the seat back, wherein each leg portion of the head restraint assembly is slidably supported by one of the bushings.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of secondary reference by providing a seat back having a frame and a pair of bushing coupled to the frame; a seat bottom coupled to the seat back; and the head restraint assembly adjustably coupled to the seat back; wherein each leg portion is slidably supported by one of the bushings. Modifying the primary reference in view of the teachings of the secondary reference conventionally applies the advantages of the primary reference to a seating assembly and further provides means for selectively adjusting the head restraint assembly.

Claims 10, 11, 15 and 16, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dellanno et al (5290091) in view of Nakano et al (6250714).

The primary reference shows all claimed features of the instant invention with the exception of the seat back frame and a pair of bushing coupled to the frame; wherein each leg portion of the assembly is slidably supported by one of the bushings. Note the discussion of the primary reference above. Additionally note that the convex surface of

Art Unit: 3636

the support member is shown as offset from the seat back and positioned near a distal end of the vehicle seat in Figure 6.

The secondary reference conventionally teaches configuring a seating assembly with a seat back (1) having a frame (2) and a pair of bushings (14) coupled to the frame; a seat bottom (26) coupled to the seat back; and a head restraint assembly (3) adjustably coupled to the seat back, wherein each leg portion of the head restraint assembly is slidably supported by one of the bushings.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of secondary reference by providing the seat back frame and a pair of bushings coupled to the frame; wherein each leg portion is slidably supported by one of the bushings. Modifying the primary reference in view of the teachings of the secondary reference conventionally provides a frame for seat back strengthening; and selective slidability for vertical adjustment of the head restraint assembly.

### ***Allowable Subject Matter***

Claims 5, 7 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***



Art Unit: 3636

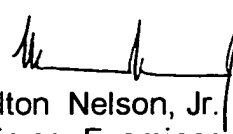
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A headrest assembly with a securing clip portion is shown by each of Tanaka (4991907) and Nagayasu et al (5660441). A contoured headrest rest frame member is shown by each of Ohta (3528703), Herzer et al (3547486), and Dellanno (5961182). Wallis (5816658) shows a headrest assembly with plural leg portions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is 7033082117. The examiner can normally be reached on Monday-Friday 5:30-3:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3636

A handwritten signature in dark ink, appearing to read "Milton Nelson, Jr.", written over a horizontal line.

Milton Nelson, Jr.  
Primary Examiner  
Art Unit 3636

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September 14, 2004